

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

---

UNITED STATES OF AMERICA, ex rel.  
CHRISTOPHER CRENNEN

Plaintiff,

v.

DELL MARKETING L.P., et al.

Defendants.

---

C.A. No.: 1:06-cv-10546-PBS

**HEWLETT-PACKARD COMPANY’S ASSENTED-TO MOTION FOR LEAVE  
TO FILE A REPLY MEMORANDUM IN SUPPORT OF ITS  
MOTION TO DISMISS RELATOR’S FIRST AMENDED COMPLAINT**

Defendant Hewlett-Packard Company (“HP”), pursuant to Local Rule 7.1(B)(3), respectfully moves for leave to file a reply memorandum (“Reply”) in support of its Motion to Dismiss, dated October 13, 2009 (Dckt. No. 59) (“Motion”). As grounds, HP states:

1. On October 13, 2009, HP moved to dismiss Relator’s First Amended Complaint pursuant to Rules 12(b)(6) and 9(b) of the Federal Rules of Civil Procedure. See Dckt. No. 59.
2. On October 27, 2009, Relator filed an Opposition to the Motion. See Dckt. No. 80.
3. Relator’s Opposition to the Motion raises a number of legal issues, including issues regarding the interpretation of the False Claims Act and the legal standards governing pleading fraud with particularity. As these issues are at the heart of the Motion, HP respectfully submits that permitting it to file a Reply would aid the Court in ruling on the Motion. HP thus respectfully requests an opportunity to submit a Reply because it believes the Relator’s claims are meritless and that prompt disposal of them through the Motion is in the interest of justice.

Accordingly, permitting HP to submit a Reply will assist the Court in reaching a fair resolution of the issues raised by the Motion.

4. HP further requests that to the extent that the instant Motion for Leave to File a Reply is allowed, that said Reply be due on November 10, 2009, within fourteen (14) days of the filing of Relator's Opposition to HP's Motion.

5. Pursuant to Local Rule 7.1, on October 29, 2009, counsel for HP conferred by telephone with counsel for Relator to determine whether Relator would assent to the relief requested herein. Counsel for Relator has assented to HP's Motion for Leave to File a Reply and has further assented to HP's proposed fourteen-day time period within which to file said Reply.

WHEREFORE, Defendant Hewlett-Packard Company respectfully requests that the Court: (1) grant its Assented-To Motion for Leave to File a Reply Memorandum; (2) permit HP to file the Reply on November 10, 2009, within fourteen (14) days of the filing of Relator's Opposition to HP's Motion; and (3) grant such other relief as the Court deems just and equitable.

**LOCAL RULE 7.1(A)(2) CERTIFICATION**

Pursuant to Local Rule 7.1(A)(2), Jacqueline R. Peterson, counsel for HP, conferred with counsel for Relator regarding the issues presented by this motion, and counsel for Relator indicated that Relator assents to the relief requested herein.

Dated: October 30, 2009

/s/ Michael DeMarco

Michael DeMarco

Respectfully submitted,

HEWLETT-PACKARD COMPANY

By its attorneys,

/s/ Michael DeMarco

---

Michael DeMarco (BBO #119970)  
Michael D. Ricciuti (BBO #550771)  
Ryan M. Tosi (BBO #661080)  
K&L GATES LLP  
State Street Financial Center  
One Lincoln Street  
Boston, MA 02111  
Tel.: 617.261.3100  
Fax: 617.261.3175  
michael.demarco@klgates.com  
michael.ricciuti@klgates.com  
ryan.tosi@klgates.com

Robert J. Sherry (*Admitted pro hac vice*)  
Jacqueline R. Peterson (*Admitted pro hac vice*)  
Kirstin D. Dietel (*Admitted pro hac vice*)  
K&L GATES LLP  
1717 Main Street, Suite 2800  
Dallas, TX 75201  
Tel.: 214.939.5500  
Fax: 214.939.5849  
robert.sherry@klgates.com  
jacqueline.peterson@klgates.com  
kirstin.dietel@klgates.com

Dated: October 30, 2009

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), and paper copies will be sent to those indicated as non-registered participants, if any, on this 30th day of October 2009.

/s/ Michael DeMarco

Michael DeMarco